

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Kenneth McMaster,
Plaintiff,

—against—

J. Saunders, et. al.,
Defendants.

First AMENDMENT

COMPLAINT under
the civil Rights Act,
42 U.S.C.A. § 1983
9:14-CV-1574 (TJM/ATB)
Jury Trial: yes.

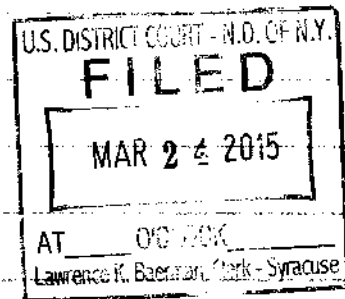
I. Parties in this complaint:

A. Plaintiff,

Kenneth McMaster,
Upstate C.F.

P.O. Box: 2001

Malone, N.Y. 12953



B. Defendants,

NO 1. J. Saunders, Correction Officer
Great Meadow. C.F.

11739 State Rte. 22 P.O. Box #51

Con Stock, New York, 12821

NO 2. E. RAIMOS, Correction Officer

Great Meadow. C.F.

11739 State Rte. 22 P.O. Box #51

Con Stock, New York, 12821

NO. 3.) J. Harrington Correction officer
Great Meadow C.F.
11739 State Rte. 22 P.O. Box #51
Con Stock, New York, 12821-0051

II. Statement of claim:

A.) Great Meadow C.F. is the Institution the events giving rise to my claim occurred.

B.) C-Block stairwell is where in the Institution event giving rise to my claim occurred.

C.) January, 16th 2013, around 10:05 am is the date and approximate time the events giving rise to my claim occurred.

D.) Facts: 1.) On January 16th 2013, at approximately 10:05 am Correction Officer J. Saunders at Great Meadow C.F. had come to Plaintiff cell (C-p-3) and told him to get ready for a tier hearing.

2.) Plaintiff (McMaster) responded that nobody had told him to get ready for what ticket?!

3.) Correction Officer J. Saunders had told the plaintiff (McMaster) it's for a tier (2) II hearing, or may be to be a witness.

- 4) Plaintiff pursuant to Defendants' J. Saunders Order and got ready. As Plaintiff Steps out his cell (c-6-3) to get "pat frisk" by the defendant Correction Officer J. Saunders without Just cause or Provocation Correction Officer J. Saunders willfully and maliciously grabbed Plaintiff up and told him to walk.
- 5) AS of entering into the Stair-well, with no warning to the Plaintiff (McMaster), defendant (J. Saunders) had hit the Plaintiff repeatedly with closed fists and forced him to Fall down the Stairs.
- 6) At the Landing The defendants E. Raimo, and J. Harrington Correction Officers at Great Meadow C.F. Started to hit the Plaintiff (McMaster), with they Batons in his Face, Chest, and Ribs repeatedly.
- 7) Defendants (J. Harrington) then grabbed the Plaintiff, by his hair and forced him against the console bars Face First, then to the Concert Floor Face First.
- 8) The Defendants correction Officers E. Raimo, J. Harrington, and J. Saunders then continuously start hitting McMaster (Plaintiff) with they batons to his Ribs, Penis, Face and Chest area stating and shouting I bet you don't write complaints no more to Albany.

Causing the Plaintiff to Sustain Serious Injury Injuries.

9) The actions of defendants, J. Saunders, E. Reimo, and J. Harrington, Correction Officers of Great Meadow C.F. where Intentional and Unwarranted. Violating Plaintiff's Eighth and First amendment.

III. Injuries:

Are as follow: Broking rib, Broke nose, whip lash and a chip tooth. Still have Blood inside my urine From Jan. 17th. 2013. as well Severe Physical and mental Pain and injuries.

IV. Exhaustion of Administrative Remedies:

A) yes, I was confined in Great Meadow C.F. when this claim arise

B) yes, Great Meadow C.F. have a grievance Procedure.

C) yes, the grievance procedure at the Correction Facility where my claim arose cover some of my claim. and There is Only one claim made,

D) Do Not know, if the Correction Facility cover all of my claim.

E.) Yes, I did File a grievance in the Correction Facility Great Meadow where my claim As arose.

F.) I did File a grievance about the events described in this complaint.

1) There is only one complaint.

2) The result was none. They told me they were going to investigate my grievance but I never heard from them again.

3) I had appeal to the Superintendent, then to C.O.R.C and also wrote I.G about this situation.

IV. Relief:

WHEREFORE, plaintiff request that this Court grant the following:

Compensatory and punitive damages to be determined at Jury trial. And for audio and visual Surveillance through out Great Meadow C.F. to stop customary abuse.

VI. Previous lawsuits:

A.) No, I have not Filed no other lawsuits in State or Federal Court dealing with the same facts involved in this action.

B/NO, I have not filed other Law Suits
in State or Federal court other wise
relating to my Imprisonment.

Signed this 17th day of March, 2015
I declare under penalty of
Perjury that the foregoing is true
and correct.

Signature of plaintiff: R. Kinnon Don Master

Inmate Number: *08-B-1832

Mailing address: Upstate Correctional Facility
P.O. Box 2001
Malone, New York, 12953

I Declare under Penalty of Perjury
that on this 20 day of March, 2015

I will deliver this Complaint to Prison
Authorities to be mailed to the pro se
office of the United States District Court
of the Northern District of New York.

Plaintiff Signature: Markham DeMaster

Sworn to before me
This 19 day of MARCH, 2015

Donna J. Mainville
NOTARY PUBLIC

Donna J. Mainville
Notary Public State of New York
New York State No. 01MA6221161
County of Franklin
My Commission Expires on: 06/24/2018

UPSTATE CORRECTIONAL FACILITY
P.O. BOX 2001
MALONE, NEW YORK 12953

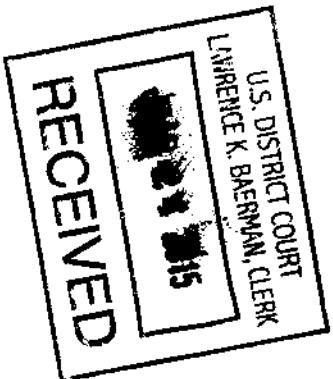
NAME: Lawrence K. Baerman DIN: 0831832

CORRECTIONAL FACILITY

UPSTATE



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